

HOUSE BILL No. 1416

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-23-5-5; IC 33-33-49-32.

Synopsis: Magistrates. Allows a magistrate to: (1) approve and accept criminal plea agreements; (2) approve agreed settlements concerning civil matters; and (3) approve decrees of dissolution, settlement agreements, and any other agreements of the parties in domestic relations actions or paternity actions. Allows the judges of the Marion superior court to appoint four additional full-time magistrates after December 31, 2015.

Effective: July 1, 2015.

Speedy, Kirchhofer, Pryor

January 14, 2015, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1416

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 33-23-5-5, AS AMENDED BY P.L.127-2008,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 5. A magistrate may do any of the following:
4 (1) Administer an oath or affirmation required by law.
5 (2) Solemnize a marriage.
6 (3) Take and certify an affidavit or deposition.
7 (4) Order that a subpoena be issued in a matter pending before the
8 court.
9 (5) Compel the attendance of a witness.
10 (6) Punish contempt.
11 (7) Issue a warrant.
12 (8) Set bail.
13 (9) Enforce court rules.
14 (10) Conduct a preliminary, an initial, an omnibus, or other
15 pretrial hearing.



(11) Conduct an evidentiary hearing or trial.

(12) Receive a jury's verdict.

(13) Verify a certificate for the authentication of records of a proceeding conducted by the magistrate.

(14) Enter a final order, conduct a sentencing hearing, and impose a sentence on a person convicted of a criminal offense as described in section 9 of this chapter.

(15) Enter a final order or judgment in any proceeding involving matters specified in IC 33-29-2-4 (jurisdiction of small claims docket) or IC 34-26-5 (protective orders to prevent domestic or family violence).

(16) Approve and accept criminal plea agreements.

(17) Approve agreed settlements concerning civil matters.

(18) Approve:

(A) decrees of dissolution;

(B) settlement agreements; and

(C) any other agreements;

of the parties in domestic relations actions or paternity actions.

SECTION 2. IC 33-33-49-32, AS AMENDED BY P.L.100-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 32. (a) In addition to the magistrate appointed under section 31 of this chapter, the judges of the superior court may, by a vote of a majority of the judges, appoint:

~~(1) eight (8) full-time magistrates under IC 33-23-5 after December 31, 2007, and until January 1, 2014, not more than four~~

~~(4) of whom may be from the same political party; and~~

~~(2) (1) twelve (12) full-time magistrates under IC 33-23-5 after December 31, 2013, and until January 1, 2016, not more than six (6) of whom may be from the same political party; and~~

(2) sixteen (16) full-time magistrates under IC 33-23-5 after December 31, 2015, not more than eight (8) of whom may be from the same political party.

(b) The magistrates continue in office until removed by the vote of a majority of the judges of the court.

(c) A party to a superior court proceeding that has been assigned to a magistrate appointed under this section may request that an elected judge of the superior court preside over the proceeding instead of the magistrate to whom the proceeding has been assigned. A request under this subsection must be in writing and must be filed with the court:

(1) in a civil case, not later than:

(A) ten (10) days after the pleadings are closed; or



1 (B) thirty (30) days after the case is entered on the
2 chronological case summary, in a case in which the defendant
3 is not required to answer; or
4 (2) in a criminal case, not later than ten (10) days after the
5 omnibus date.
6 Upon a timely request made under this subsection by either party, the
7 magistrate to whom the proceeding has been assigned shall transfer the
8 proceeding back to the superior court judge.

